MAY 2018

THE SUBJECT MATTER OF BILL C-45:

AN ACT RESPECTING CANNABIS AND TO AMEND THE CONTROLLED DRUGS AND SUBSTANCES ACT, THE CRIMINAL CODE AND OTHER ACTS

Report of the Standing Senate Committee
on Aboriginal Peoples

The Honourable Senator Lillian Eva Dyck, *Chair*
The Honourable Senator Scott Tannas, *Deputy Chair*

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TABLE OF CONTENTS

THE COMMITTEE MEMBERSHIP 4
ORDER OF REFERENCE 5
INTRODUCTION 7
CONSULTATION 8
PUBLIC EDUCATION 9
POTENTIAL EFFECTS OF THE LEGALIZATION OF CANNABIS ON INDIGENOUS COMMUNITIES 11
a. Mental Health and Addictions Services 11
b. Justice and Policing 12
c. Jurisdiction 13
d. Economic Development 14
RECOMMENDED AMENDMENTS 16
POLICY RECOMMENDATIONS 17
WITNESSES 19

THE COMMITTEE MEMBERSHIP

The Honourable Lillian Eva Dyck, *Chair*
The Honourable Scott Tannas, *Deputy Chair*

The Honourable Senators

Gwen Boniface
Daniel Christmas
Norman Doyle
Sandra Lovelace Nicholas
Mary Jane McCallum
Marilou McPhedran
Thanh Nai Ngo
Kim Pate
Dennis Glen Patterson
Nancy Greene Raine

Ex-officio members of the committee:

The Honourable Senator Peter Harder, P.C. (or Diane Bellemare)(or Grant Mitchell); Larry Smith (or Yonah Martin); Joseph Day (or Terry Mercer); Yuen Pau Woo (or Raymonde Saint-Germain)

Other Senators who have participated in the study:

The Honourable Senators Coyle, White, and Deacon

Parliamentary Information and Research Services, Library of Parliament:

Brittany Collier and Michael Chalupovitsch, Analysts

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Mark Palmer, Clerk of the Committee
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ORDER OF REFERENCE

Extract from the *Journals of the Senate*, Thursday, February 15, 2018:

The Honourable Senator Harder, P.C., moved, seconded by the Honourable Senator Bellemare:

That, notwithstanding any provisions of the Rules, usual practice or previous order, in relation to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts:

1. without affecting the progress of any proceedings relating to Bill C-45:

    1.1. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the subject matter of those elements contained in Parts 1, 2, 8, 9 and 14 of the bill;

    1.2. the Standing Senate Committee on Aboriginal Peoples be authorized to study the subject matter of the bill insofar as it relates to the Indigenous peoples of Canada; and

    1.3. each of the above committees submit its report to the Senate pursuant to this order no later than April 19, 2018; and

2. if Bill C-45 is read a second time, it be referred to the Standing Senate Committee on Social Affairs, Science and Technology, in which case that committee be authorized to take any reports tabled under point 1 of this order into consideration during its study of the bill.

With leave of the Senate and pursuant to rule 5-10(1), the motion was modified to read as follows:

That, notwithstanding any provisions of the Rules, usual practice or previous order, in relation to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts:

1. without affecting the progress of any proceedings relating to Bill C-45:

    1.1. the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the subject matter of those elements contained in Parts 1, 2, 8, 9 and 14 of the bill;

1.2. the Standing Senate Committee on Aboriginal Peoples be authorized to study the subject matter of the bill insofar as it relates to the Indigenous peoples of Canada;

1.3. the Standing Senate Committee on Foreign Affairs and International Trade be authorized to study the subject matter of the bill insofar as it relates to the Canada's international obligations;

1.4. the Standing Senate Committee on National Security and Defence be authorized to study the subject matter of the bill insofar as it related to Canada's borders; and

1.5. each of the above committees submit its report to the Senate pursuant to this order no later than May 1, 2018; and

2. if Bill C-45 is read a second time, it be referred to the Standing Senate Committee on Social Affairs, Science and Technology, in which case that committee be authorized to take any reports tabled under point 1 of this order into consideration during its study of the bill.

The question being put on the motion, as modified, it was adopted.

Richard Denis
Clerk of the Senate

INTRODUCTION

On 27 February 2018, the Standing Senate Committee on Aboriginal Peoples (the Committee) began studying the subject matter of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, as it relates to the Indigenous peoples of Canada. The Committee held five meetings and heard from a diverse group of 23 witnesses, including: six Indigenous organizations, four First Nations, three regional Indigenous organizations, two Inuit Elders, two police forces, two Indigenous cannabis industry groups, and the Manitoba Child and Youth Advocate representing the Canadian Council of Child and Youth Advocates. The Committee also heard from officials from five federal government departments[1] and from Senator Dennis Patterson, who shared his experiences from meetings with Nunavut communities. The Committee also received briefs from six organizations and individuals.[2] It is a complex topic, but despite the short time available to conduct a study, the Committee heard from a wide range of witnesses.

The Committee heard a range of issues specific to Indigenous communities concerning the proposed legalization of cannabis, particularly around a few key themes:

1. a lack of consultation with Indigenous communities and organizations in the development of Bill C-45;

2. a lack of culturally specific public education materials on the legislation pertaining to the legalization of cannabis and on the health effects of cannabis;

3. a lack of access to, and funding for, culturally specific mental health and addictions services;

4. an imperative for action recognizing the inherent rights of Indigenous communities to exercise jurisdiction over the regulation, sale, consumption and taxation of cannabis in their communities; and

5. a desire from Indigenous communities to fully participate in the economic opportunities and own source revenue potential occasioned by the legalization of cannabis.

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[1] Health Canada, the Department of Justice Canada, the Department of Indigenous Services Canada, Public Safety Canada and the Department of Crown-Indigenous Relations and Northern Affairs Canada appeared together on 27 February 2018.

[2] Briefs were received from the Canadian Psychological Association, the Indigenous Bar Association, the Isuarsivik Treatment Centre, the First Nations Health Authority, the First Nations Tax Commission and Inuk Elder Isaac Shooyook.

CONSULTATION

Many Indigenous communities and organizations informed the Committee that they were not consulted on the subject matter of the bill.[3] There was an alarming lack of consultation particularly given this Government's stated intentions of developing a new relationship with Indigenous people, respecting section 35 Aboriginal and treaty rights recognized under the *Constitution Act, 1982*,[4] and the rights of Indigenous communities to be consulted. Had sufficient consultation occurred, the problems identified by the Committee would likely have been solved, and the solutions incorporated into Bill C-45.

The Department of Crown-Indigenous Relations and Northern Affairs Canada noted that the federal government "reached out to Indigenous government leaders and modern treaty holders" to discuss the regulation of cannabis,[5] and Health Canada added that it is "working closely" with the Assembly of First Nations (AFN), Inuit Tapiriit Kanatami and the Métis National Council.[6] Health Minister Ginette Petitpas Taylor informed the Committee that that the Task Force on Cannabis Legalization and Regulation was the primary means of consulting Indigenous peoples on the proposed legalization of cannabis.

However, representatives of Indigenous organizations who appeared before the committee stressed that consultation to date was inadequate. Nunavut Tunngavik Inc. (NTI) President Aluki Kotierk, for example, stated that consultations with Inuit were inadequate and did not provide Inuit with an opportunity to participate in the development of social and cultural policies as set out in article 32 of the *Nunavut Land Claims Agreement*. Chief Randall Phillips of the Oneida Nation of the Thames pointed out that there are a lot of communities in Ontario that want to slow down the implementation of Bill C-45 because they "haven't had good discussions with the federal and provincial government[s]."[7] Witness testimony concerning the inadequacy of consultation echoed the concerns of some Indigenous representative organizations. Like the AFN, a number of witnesses, particularly those from the North, said that communities are not ready for the legalization of cannabis and three witnesses called on the Government of Canada to postpone the legalization of cannabis to allow for greater consultation with Indigenous peoples and communities.

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3 Nunavut Tunngavik Inc., Onion Lake Cree Nation, Tobique First Nation, the 49 Nishnawbe-Aski Nation First Nations, the Indigenous Bar Association, the Canadian Indigenous Nurses Association and The Manitoba Child and Youth Advocate representing the Canadian Council of Child and Youth Advocates informed the Committee that they were not consulted on the subject matter of Bill C-45.

4 Constitution Act, 1982.

5 Senate, Standing Senate Committee on Aboriginal Peoples [APPA], *Evidence*, 27 February 2018 (Sheilagh Murphy, Assistant Deputy Minister, Lands and Economic Development, Department of Crown-Indigenous Relations and Northern Affairs Canada).

6 APPA, *Evidence*, 27 February 2018 (Eric Costen, Acting Assistant Deputy Minister, Cannabis Legalization and Regulation Branch, Health Canada).

7 APPA, *Evidence*, 28 February 2018 (Randall Phillips, Chief, Oneida Nation of the Thames).

PUBLIC EDUCATION

The Committee heard that First Nations and Inuit communities lack culturally specific public education materials on the subject of cannabis. Communities and organizations expressed a need for education both on the legalization proposal as well as the potential health effects caused by cannabis use. For example, Chief Randall Phillips stated that his community is "dying for information," and that he would like to see information packages on the risks of cannabis to youth get to his community "sooner rather than later."[8]

Concerns were also raised that the public is not aware of the specifics of the legislative approach taken to legalize cannabis. Nishnawbe-Aski Legal Services, a legal aid provider which serves 49 First Nations in northern Ontario, emphasized that:

> People will hear that marijuana is legal. We know that the average person on the street, that's all they will hear. We will have people who will be growing it and distributing it without understanding the law. Without any education, they are not going to realize that there are all these rules and regulations that you could have four plants, only you can't sell it. You have to be licensed. It's going to result in more criminalization, quite frankly.[9]

The Committee was told by policing organizations that police training and educational tools specific to the proposed legalization of cannabis have not yet been rolled out, and that there are no training programs aimed specifically at the First Nation policing environment, with respect to identifying individuals that may be impaired. Inspector Steve Burton of the Tsuut'ina Nation Police Service underscored that:

> When we're looking at trying to enforce the upcoming legislation, we don't have the tools. We don't have the people trained, the drug recognition experts. Those are training programs that require extensive time...For us to arrange that training when we're already low on manpower, we have to find a way to backfill that position or positions with other officers.[10]

Indigenous health organizations stressed that a tailored culturally sensitive and linguistically appropriate approach to education is necessary to meet the needs of Indigenous people. Such an approach would allow Indigenous communities to shift from what the National Native Addictions Partnership Foundation called "a fear-based response"

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8 *Ibid.*

9 APPA, *Evidence*, 26 March 2018 (Mary Bird, Executive Director, Nishnawbe-Aski Legal Services).

10 APPA, *Evidence*, 28 March 2018 (Steve Burton, Inspector, Criminal Investigative Psychologist, Tsuut'ina Nation Police Service).

to a "strength-based harm reduction approach to the impacts of cannabis."[11] Minister Petitpas Taylor agreed, and indicated that culturally sensitive and linguistically appropriate public education materials are in the process of being prepared, but stressed that Indigenous youth are also reached by the social media campaign aimed more generally at all youth.

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11 APPA, *Evidence* 26 March 2018 (Carol Hopkins, Executive Director, National Native Addictions Partnership Foundation).

POTENTIAL EFFECTS OF THE LEGALIZATION OF CANNABIS ON INDIGENOUS COMMUNITIES

Stakeholders including Indigenous communities and organizations, cannabis industry representatives and front-line service providers informed the Committee about the positive and negative impacts they anticipate from the proposed legalization of cannabis.

a. Mental Health and Addictions Services

Witnesses suggested that First Nations and Inuit youth are disproportionately affected by mental health and substance use issues for a variety of reasons, including intergenerational trauma, poverty and the lack of culturally relevant residential treatment facilities in the vicinity of their communities. Witnesses emphasized that when culturally appropriate residential treatment centres are available, affected youth have greater success in reducing their substance use and in continuing with their education.

The Committee heard serious concerns from Inuit Elders, Indigenous communities and front-line service providers, such as police and nurses, about the lack of access to, and funding for, culturally specific mental health and addictions services. The National Native Addictions Partnership Foundation drew attention to the fact that 89% of Indigenous youth entering residential addictions treatment programs indicate cannabis use as the number one substance used. Other communities shared that they require increased capacity to respond to anticipated adverse health effects stemming from cannabis legalization. The Committee was cautioned however, that communities need support in identifying the best way to respond to the proposed legalization of cannabis. Carol Hopkins, Executive Director of the National Native Addictions Partnership Foundation shared recent research suggesting that prohibition does not work, is usually born out of a community crisis, and does not have a long term impact on substance use or abuse.

Witnesses were apprehensive of the potential health effects on youth that may occur with the proposed legalization of cannabis. The National Native Addictions Partnership Foundation suggested that cannabis can be detrimental to youth and have a specific effect on the developing brain. Witnesses spoke of the increased risks for schizophrenia, depression and psychosis development or relapse. On the latter, Carol Hopkins informed the Committee that:

> ...in the early adulthood stage of life, there is risk for developing schizophrenia. That risk is increased if there is schizophrenia in the family history, medical history. Also if individuals have had increased experience with trauma, and in our case it's

> intergenerational trauma that First Nations communities are addressing. And then if you're a young man, the risk is increased for schizophrenia.[12]

The Department of Indigenous Services Canada explained that prevention services "are available in the majority of Indigenous communities across Canada"[13] and that a $69 million investment over three years was announced in 2016 to enhance capacity to provide mental health services in First Nation and Inuit communities. The Department confirmed however that these investments were not made in anticipation of increasing demand for services with the proposed legalization of cannabis. In contrast, witnesses recommended that cannabis legalization be coupled with investments in education, treatment and research, to help understand and mitigate the psychosocial risks associated with recreational cannabis use.

Nowhere was the issue of the lack of treatment programs more evident than in the North. The Committee heard that there are no residential treatment centers in Yukon, the Northwest Territories or Nunavut, and that existing land-based community treatment programs are underfunded. The single treatment center in Nunavik (Northern Quebec) has a capacity of only 9 patients per 42 day treatment cycle, in an aging and inadequate facility. Isaac Shooyook, an Inuk Elder, expressed fears about the lack of traditional knowledge based prevention services in Nunavut, saying:

> If you could have everything in place before you legalize it up there. There are many people committing suicide because of alcohol and cannabis. This is unacceptable. We do not want any more problems being placed in front of us, things we cannot deal with. There's nothing in place to legalize cannabis in Nunavut.[14]

The Department of Indigenous Services Canada spoke about funding a feasibility study for a Nunavut-based addictions treatment center; however NTI President Aluki Kotierk explained that there is a five year timeline for the project.

b. Justice and Policing

The Committee heard concerns from treatment providers and the Canadian Council of Child and Youth Advocates that the social disparities that exist in Indigenous communities will lead to the criminalization of youth. The primary concern was the youth-specific offence in clause 8 of the bill concerning the possession of more than five grams of cannabis, an offence that will not exist for adults. Witnesses expressed worries that the inclusion of this youth offence will perpetuate the overrepresentation of Indigenous people in the justice and correctional systems.

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12 APPA, *Evidence*, , 26 March 2018 (Carol Hopkins, Executive Director, National Native Addictions Partnership Foundation).

13 APPA, *Evidence*, 27 February 2018 (Valerie Gideon, Assistant Deputy Minister, Regional Operations First Nation and Inuit Health Branch, Department of Indigenous Services Canada).

14 APPA, *Evidence*, 26 March 2018 (Isaac Shooyook, as an individual).

However with regard to the decriminalization of possession of five grams or less by youth aged 12 to 17, Senator Patterson relayed concerns from Nunavummiut that these measures may lead to an increased use of cannabis. He noted that in every community, "whether they professed to be for or against the bill, took exception with the clause in the bill that would reduce possession of 5 grams or less by a youth older than 12 and younger than 18 to a ticketable offence."[15]

The Indigenous Bar Association raised the concern that imposing mandatory jail terms for cannabis related offences such as cultivating in excess of four plants in a home, does not allow for judicial discretion or the application of section 718.2(e) of the *Criminal Code* (*Gladue*), which call for judges to take into account all reasonable alternatives to incarceration when sentencing an Indigenous person. The Committee is concerned that this may lead to a disproportionate number of Indigenous people being jailed for cannabis-related offences without recognizing and weighing the particular circumstances faced by Indigenous peoples.

Finally, the Committee heard that prevention programs are underfunded in Indigenous communities. Inspector Steve Burton of the Tsuut'ina Nation Police Service emphasized the need for proactive policing focused on prevention, but observed that the resources and labour force were insufficient to help move beyond crisis response mode. As he put it:

> The challenges that First Nations police have are similar to the challenges that other First Nations areas have, such as education. The funding models are different. They are not to the levels that mainstream or other police agencies have. The other issues that confront us are that we're undermanned; we're under-resourced. We have increasing call loads because our populations, our youth, are becoming a significantly large portion of our reserves and nations.[16]

c. Jurisdiction

The Committee heard from Indigenous communities, organizations and businesses about jurisdictional concerns flowing from the proposed legalization of cannabis. The ability of First Nation communities to restrict the distribution, sale, possession and consumption of cannabis was raised. Chief Ross Perley of the Tobique First Nation highlighted that "we consider ourselves sovereign, so we believe in our own law,"[17] and stated that "we feel we can do a better job"[18] at regulating cannabis than relying on a provincial regulatory regime. For example, the Mohawk Council of Akwesasne expressed that it needs support to develop

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15 APPA, *Evidence*, 28 March 2018 (Senator Dennis Patterson).
16 APPA, *Evidence*, 28 March 2018 (Steve Burton, Inspector, Criminal Investigative Psychologist, Tsuut'ina Nation Police Service).
17 APPA, *Evidence*, 26 March 2018 (Chief Ross Perley, as an individual).
18 *Ibid.*

the laws and regulations, given its location on the Canada-United States border and concerns about online delivery of cannabis products.

First Nations were in agreement that they should have a mechanism available to them, as an essential element of self-government, to permit or prohibit access to cannabis on their territories. Chief Randall Phillips of the Oneida Nation of the Thames explained that self-determination is expressed through jurisdiction and exercising the jurisdiction to make community-based regulations. The Indigenous Bar Association recommended that "Bill C-45 include an exemption for Indigenous Nations and an opt-in basis, by which a Nations' own Indigenous law can be recognized at the federal level."[19] Many other witnesses suggested such an approach; however the Committee recognizes that this is not legally feasible within the scope of Bill C-45. The Department of Justice pointed out to the Committee, that while First Nations have by-law making authority under the *Indian Act* or under a self-government agreement to restrict intoxicants on their territory, the *Criminal Code*, the *Controlled Drugs and Substances Act*, as well as the proposed Cannabis Act have paramountcy in legal proceedings. Ultimately, the Committee disagrees with the Department of Justice's position in this regard suggesting that laws of general application have paramountcy in legal proceedings – as reinforced by the Department's testimony that it would be up to the courts to determine the relationship between the existing *Indian Act* provisions and the cannabis legislation.

The Committee strongly believes that under section 35 of the *Constitution Act, 1982,* Indigenous peoples have the inherent right of self-determination, including the appropriate law-making authority to make meaningful decisions that affect the lives of their people and communities, including regulating cannabis.

d. Economic Development

The Committee also heard forceful proposals from some First Nations, Indigenous businesses and organizations concerning the collection and distribution of excise tax revenue charged to on-reserve cannabis manufacturers. These proposals stem from the right of First Nation communities to fully participate in the economic opportunities presented by the proposed legalization of cannabis. The First Nations Tax Commission proposed that the *First Nations Fiscal Management Act* be amended to "enable the efficient tax collection option through the cannabis excise tax provisions in the *Excise Tax Act*."[20] This view was echoed by Indigenous cannabis industry representatives, while healthcare providers recommended that all of the collected excise tax revenue should be directed to prevention, education and addictions treatment programs. Dr. Ian Whetter of the

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19 Indigenous Bar Association, *Brief with respect to the impacts of Bill C-45 (An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts)*, 23 March 2018.

20 APPA, *Evidence*, 28 February 2018 (C.T. (Manny Jules), Chief Commissioner, First Nations Tax Commission).

University of Manitoba, for instance, noted the examples of Colorado and Washington, who use their cannabis excise tax revenue to build community infrastructure such as schools and playgrounds. Dr. Whetter made this recommendation, taking into account the lack of recreational opportunities for youth in remote communities, particularly noting the concerns raised during the Attawapiskat youth suicide crisis. Witnesses who did not yet take a position recommended that the option for tax revenue sharing be left open for discussion. The Committee strongly desired to proffer an amendment to implement the recommendations put forward by Indigenous organizations, however the Committee understands that the Senate is prevented from making such an amendment, since it would likely result in the appropriation of funds or a new taxation measure. It is imperative that Bill C-45 be delayed until First Nations are consulted and an amendment to the bill is co-developed to ensure that they receive a share of the excise tax revenues.

The Committee also heard proposals from Indigenous cannabis producers that there be a preferential licensing system for Indigenous-owned or controlled entities. The Committee is supportive of those Indigenous communities that want to participate fully in the cannabis market, especially given the economic opportunities missed by these communities in the past. It is clear that without clarity around jurisdiction and tax matters, Indigenous communities will be left to operate in a vacuum, as is currently the case for tobacco sales. The Committee seeks to ensure that interested Indigenous communities have the appropriate tools to seize economic opportunities as they arise.

RECOMMENDED AMENDMENTS

Taking into consideration the testimony heard during the Committee's study of Bill C-45 insofar as it relates to Indigenous peoples, in particular the lack of meaningful consultation, and the commitment by the Government of Canada to recognize and implement the inherent rights of Indigenous peoples, the Committee strongly recommends that Bill C-45 be amended to:

1. **Delay the coming into force of Bill C-45 for up to one year to allow time for First Nations, Inuit and Métis communities, and the Government of Canada to negotiate and agree on the following deliverables:**

    a. **Implementation of appropriate excise tax collection and sharing measures from revenue generated by cannabis produced on First Nations lands;**
    b. **Culturally specific and linguistically appropriate education materials and programs;**
    c. **Recognition and affirmation of the principle that communities have the right to enact legislative and regulatory responses to the proposed legalization of cannabis;**
    d. **Substantial funding increases on an urgent basis, given the intergenerational trauma present in Indigenous communities, for mental health and addictions programs, residential treatment centres, nursing services, traditional healing centres and police services that serve Indigenous people and communities; and**
    e. **Establishment of residential addictions treatment centres that are culturally and linguistically appropriate and in the vicinity of Indigenous communities.**

2. **Prescribe that the Minister of Health reserve at least 20% of all cannabis production licenses for producers on lands under the jurisdiction or ownership of Indigenous governments.**

POLICY RECOMMENDATIONS

In addition, the Committee strongly supports testimony calling for change to aspects related to implementing the proposed legalization of cannabis that are beyond the scope of Bill C-45. Accordingly, the Committee makes the following eight recommendations for immediate action by the Government of Canada, and requests a response without delay:

1. **That the Department of Indigenous Services Canada, in collaboration with Indigenous governments and organizations, develop and provide stable funding for, culturally specific education about cannabis and the proposals in Bill C-45; and that these materials, programs and funding be provided prior to the coming into force of Bill C-45.**

2. **That the Government of Canada, in collaboration with Indigenous governments and the provinces and territories, establish mechanisms to enable Indigenous communities to restrict the manufacturing, distribution, sale or possession of cannabis on lands under the jurisdiction or ownership of Indigenous governments.**

3. **That the Government of Canada, in recognition of their inherent right to self-government, in affirming the protection of rights under the *Constitution Act, 1982*, in particular section 35 Aboriginal and treaty rights, and in observance of the *United Nations Declaration on the Rights of Indigenous Peoples*, in particular Articles 3 and 4, respect the right of Indigenous communities to establish their own cannabis and taxation laws and penalties under this or any other legislation, as well as to take advantage of tax revenue-sharing opportunities for their communities, and to enable by-law and ticketing regimes for cannabis-related offences.**

4. **That the Department of Indigenous Services Canada on an urgent basis, substantially increase funding to front-line service delivery providers, in recognition of the projected increase in demand due to the proposed legalization of cannabis, including: mental health and addictions programs, residential treatment centres, health services, traditional healing centres and police services that serve Indigenous people and communities; and that this funding be provided prior to the coming into force of Bill C-45.**

5. **That the Department of Indigenous Services immediately and without delay:**

    a. **Increase the number of residential addictions treatment centres operated under the National Native Alcohol and Drug Abuse Program**

to ensure equitable access to treatment in the vicinity of remote Indigenous communities; and

b. Immediately prioritize work to open residential addictions treatment centre(s) for Indigenous peoples in Nunavut, the Northwest Territories and Yukon.

6. That the Department of Finance commit the excise tax revenues collected towards investments in front-line mental health and addictions service delivery, treatment facilities in the vicinity of communities, public health programs and recreational infrastructure in the communities.

7. That the Department of Finance immediately work with interested First Nations and First Nations institutions to allow them to collect cannabis excise tax revenues by:

    a. amending the *First Nations Fiscal Management Act* to provide for a First Nation law-making power to levy cannabis excise tax on its reserve lands;
    b. amending the *Excise Tax Act* and the *First Nations Fiscal Management Act to* enable First Nations to collect tax efficiently;
    c. enabling First Nations to retain local cannabis revenue for their own infrastructure, health care and education, among other things; and
    d. recognizing First Nations' authority to enact their own regulatory frameworks including business licensing, zoning, and enforcement

8. That the Minister of Health reserve 20% of all cannabis licenses for production activities on lands under the jurisdiction or ownership of Indigenous governments to encourage a diverse, competitive cannabis market, and to ensure that Indigenous peoples are in a competitive position to generate own source revenues and employment opportunities in this new industry.

WITNESSES

Tuesday, February 27, 2018

Valerie Gideon, Acting Senior Assistant Deputy Minister, First Nations and Inuit Health Branch, Department of Indigenous Services Canada

Sheilagh Murphy, Assistant Deputy Minister, Lands and Economic Development, Department of Crown-Indigenous Relations and Northern Affairs Canada

Eric Costen, Acting Assistant Deputy Minister, Cannabis Legalization and Regulation Branch, Health Canada

Diane Labelle, General Counsel, Department of Justice Canada

Stefan Matiation, Director and General Counsel, Department of Justice Canada

Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Public Safety Canada

Wednesday, February 28, 2018

C.T. (Manny) Jules, Chief Commissioner, First Nations Tax Commission

Bill Robinson, Executive Director, Indigenous Peoples Cannabis Association

Randall Phillips, Chief, Oneida Nation of the Thames

Monday, March 26, 2018

Aluki Kotierk, President, Nunavut Tunngavik Incorporated

Isaac Shooyook, As an Individual

Louis Uttak, As an Individual

Geela Arnauyumayuq, Support Person

George Qulaut, Support Person

Chief Ross Perley, As an Individual

Mike Fontaine, Vice President, IndigiCo

Sara Loft, Vice President, IndigiCo

Howard Morry, Legal Counsel, IndigiCo

Chief April Adams-Phillips, Mohawk Council of Akwesasne

Marilee Nowgesic, Executive Director, Canadian Indigenous Nurses Association
Philip Chief, Interim Director, Onion Lake Cree Nation

Carol Hopkins, Executive Director, National Native Addictions Partnership Foundation

Josephine A. de Whytell, Barrister and Solicitor, Indigenous Bar Association

Derek Stephen, Executive Director, Nishnawbe-Aski Legal Services

Mary Bird, Legal Aid Director & Area Director, Nishnawbe-Aski Legal Services

Trevor Daroux, Chief Superintendent, National Aboriginal Policing and Crime Prevention Services, Royal Canadian Mounted Police

Inspector Kimberly Taplin, Acting Director, National Aboriginal Policing and Crime Prevention Services, Royal Canadian Mounted Police

Inspector Jason McAdam, Officer in Charge, National Crime Prevention Services, Royal Canadian Mounted Police

Wednesday, March 28, 2018

Steve Burton, Inspector, Criminal Investigative Psychologist, Tsuut'ina Nation Police Services

The Honourable Senator Dennis Glen Patterson

Tuesday, April 17, 2018

The Honourable Ginette Petitpas Taylor, P.C., Minister of Health

Bill Blair, M.P., Parliamentary Secretary to the Minister of Justice and Attorney General of Canada and to the Minister of Health

Eric Costen, Director General, Cannabis Legalization and Regulation Secretariat, Health Canada

Diane Labelle, General Counsel, Department of Justice Canada

Stefan Matiation, Director and General Counsel, Department of Justice Canada